

REMARKS

The Office Action dated January 26, 2007 has been received and carefully noted. Claims 1- 25 were examined. Claims 1-25 were rejected under 35 U.S.C. § 102(b).

Claims 1-25 remain pending in the application. Reconsideration of the pending claims is respectfully requested in view of the following remarks.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,878,135 issued to Blatter et al. (hereinafter “*Blatter*”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *MPEP* § 2131. Applicants respectfully submit that each and every element in the independent claims is not set forth in the cited reference.

With regard to claim 1, it includes the limitation of “placing non-compliant data near the synchronization point in the data stream.” *Blatter* discloses a method for “processing, decoding, and formatting of encrypted packet data for storage by a consumer receiver of broadcast, satellite or cable video material.” (*Column 1, lines 8-10.*) As a part of the method, *Blatter* parses the packet data stream to find a header which Examiner equates with a synchronization point. (*Office Action, Page 3.*) However, the encryption code used by *Blatter* to derive or to use as an encryption key that Examiner relies on to disclose a non compliant data, is **in** the header and not **near** the header. In the section of *Blatter* that Examiner cites as corresponding to this limitation, *Blatter* discloses that a controller 115 determines if the encryption code is present in the “MPEG compatible adaptation fields of packet header.” (*Column 10, lines 23-24.*) This makes it clear that the encryption code is in a header. This is reiterated in other sections. For example, *Blatter* also discusses that the encryption code is “obtained from the CAT for the selected programs (SP).” (*Column 9, lines 6-7, See also column 8, lines 15 and 16.*) The CAT (Conditional Access Table) section is a part of the Program Specific Information (PSI), which is a standard header defined by MPEG system standards. Applicants are unable to discern and Examiner does not identify any section of *Blatter* where it discloses that the encryption code is not in the header. For the foregoing reasons, Applicants submit that *Blatter* does not teach each of the elements of claim 1 and, accordingly, reconsideration and withdrawal of the anticipation rejection of claim 1 is requested.

With regard to independent claims 5 and 11, both these claims include the limitation of “retrieving non-compliant data near the synchronization point.” Examiner’s objections are

similar to the objection to claim 1. As discussed above, the non compliant data in *Blatter* is in the header which the Examiner equates to a synchronization point and not **near** the synchronization point. Thus, at least for the reasons mentioned above in regard to independent claim 1, these claims are also not anticipated by *Blatter*. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 5 and 11 based on *Blatter* is requested.

With regard to claim 8, it includes the limitation of “an authoring device to use key information to encrypt a portion of a data stream.” *Blatter* discloses a method for “processing, decoding, and formatting of encrypted packet data for storage by a consumer receiver of broadcast, satellite or cable video material.” (*Column 1, lines 8-10.*) The method disclosed is for a receiver of the encrypted data stream and there is no disclosure of any creation of this encrypted data stream. As such, there is no authoring device disclosed by *Blatter*. The section cited by Examiner merely discloses a decryption step, part of which requires the creation of encryption keys from encryption code (*Column 8, line 67 – Column 9, line 10*), which is not an authoring device using the key information to encrypt a portion of the data stream. Thus, Examiner has failed to establish that *Blatter* discloses the limitation of an authoring device to encrypt a portion of a data stream. For the foregoing reasons, Applicants submit that *Blatter* does not teach each of the elements of claim 8 and, accordingly, reconsideration and withdrawal of the anticipation rejection of claim 8 is requested.

With regard to claim 14, it includes the limitation of “selectively inserting compliant data into the second data stream after the PES header, to hold key information associated with the PES header.” *Blatter* inserts compliant data **into** the header and not **after** the header when it creates a new data stream. In the section cited by Examiner that corresponds to this limitation, *Blatter* discloses creation of a data stream that is stored to be played back later. *Blatter* “forms condensed program specific information (CPSI) for the program selected for storage (SP) from the full program specific information (PSI) captured from the transport datastream input to system.” (*Column 9, lines 14-17.*) It creates this CPSI “in accordance with section 2.4.3.2 and 2.4.3.3 of the MPEG system standard from PSI header data stored in the controller” (*Column 10, lines 4-6*). The composite datastream that is stored “comprises program content packet and CPSI packets with null data substituted for broadcast encryption codes in the packet header.” (*Column 10, lines 44-47.*) Examiner equates the null data substituted for the encryption code as the compliant data. Thus, unlike the invention, Examiner failed to establish that *Blatter* inserts compliant data **after** the header. Applicants are unable to discern and Examiner does not

identify any section of *Blatter* where it discloses placing compliant data being inserted after the PES header. For the foregoing reasons, Applicants respectfully request the withdrawal of rejection of claim 14 under 35 U.S.C. § 102(b) as anticipated by *Blatter*.

With regard to claims 20 and 25, it includes the limitation of “key information separate from and associated with the header for use in decryption.” In *Blatter*, the encryption code which is used to obtain the key information is a part of the header. As disclosed in column 8, lines 15 and 16 and column 9, lines 6-7, the encryption code is obtained from the CAT section of the header. Hence, the encryption code is a part of the packet header. Thus, unlike the invention, in *Blatter*, the encryption code for use in the decryption of the data stream is not **separate** from the header. For the foregoing reasons, Applicants submit that *Blatter* does not teach each of the elements of claims 20 and 25 and, accordingly, reconsideration and withdrawal of the anticipation rejections of claims 20 and 25 is requested

With regard to claims 2-4, 6, 7, 9, 10, 12, 13, 15-19 and 21-24, these claims depend from their independent claims 1, 5, 8, 11, 14 and 20 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to these independent claims, *Blatter* does not teach each of the elements of these claims. Applicants respectfully request the withdrawal of the rejection of claims 2-4, 6, 7, 9, 10, 12, 13, 15-19 and 21-24 under 35 U.S.C. § 102(b) as anticipated by *Blatter*.

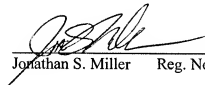
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-25, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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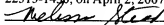
Dated: 4/2, 2007


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 4-2-07
Melissa Stead April 2, 2007